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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,028	08/28/2003	Richard Mark Exley	OIC0107US	1558
60975	7590	11/28/2007		
CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758			EXAMINER NGUYEN, VAN H	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/653,028

Applicant(s)

EXLEY ET AL.

Examiner

VAN H. NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the RCE filed 09/07/2007.

New claims 59-88 are presented for examination. Claims 42-48 have been cancelled.

Claims 59, 69, 79, and 89 are independent claims.

Request Continuation for Examination

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/07/2007 has been entered.

Claim Objection

3. Claims 76, 78, 86, and 88 are objected to because of the following minor informalities:
- As to claims 76 and 86: *"the first application service interfaces"* should read *"the first application service interface"*; and
 - As to claims 78 and 88: *"the second application service interfaces"* should read *"the second application service interface"*.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 79-88 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.

The system claim 79 recites a "system" in the preamble only, the body of the claim *merely contains software components*. Therefore, the claim is software per se and does not fall within one of the four enumerated categories of patentable subject matter recited in section 101.

Dependent claims 80-88 are rejected for fully incorporating the deficiencies of their base claim.

Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)

Claims 59-89 are rejected under 35 U.S.C. 102(e) as being anticipated by **Abileah et al.** (US 20020038336 A1).

As to claim 59:

Abileah teaches a system (see the Abstract) comprising:

one or more processors; a memory coupled to the one or more processors and storing code executable by the one or more processors to execute a process that interacts with a plurality of applications of a plurality of types of applications, a plurality of application service

interfaces configured to be executed on the one or more processors, each application service interface being configured to interface with a corresponding application among the plurality of applications; and a plurality of common service interfaces configured to be executed on the one or more processors, each common service interface being configured to communicate with the process and with two or more of the application service interfaces that interface with a corresponding type of application among the plurality of types of applications (see ¶¶ 0016-0031; and 0061-0104).

As to claim 60:

Abileah teaches a first one of the common service interfaces is configured to communicate with two or more application service interfaces for applications of a Customer Relationship Management type (see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claim 61:

Abileah teaches a second one of the common service interfaces is configured to communicate with two or more application service interfaces for applications of an Enterprise Resource Planning type (see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claim 62:

Abileah teaches a second one of the common service interfaces is configured to communicate with two or more application service interfaces for applications of an Employee Relationship Management type (see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claim 63:

Abileah teaches the process is configured to interface with the common service interfaces so that the process is independent of the particular applications among the plurality of applications and independent of an integration environment that facilitates data exchange among the applications (see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claim 64:

Abileah teaches the integration environment is provided by an integration server (see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claim 65:

Abileah teaches a first one of the application service interfaces and a first one of the common service interfaces are used by a first application among the plurality of applications to access a service of the process and for the process to access services of the first application (see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claim 66:

Abileah teaches the process is among a plurality of processes that interact with the plurality of applications, and the memory stores codes executable by the one or more processors to execute the plurality of process (see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claim 67:

Abileah teaches a plurality of translation circuits comprising one translation circuit for (a) each of the plurality of application service interfaces and (b) each of a plurality of integration servers that facilitates data exchange among the applications, each translation circuit being configured to allow communication between a corresponding application service interface and a corresponding application on a corresponding integration server, and configured to provide an independence for the applications from the integration servers.(see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claim 68:

Abileah teaches a plurality of transform circuits comprising one transform circuit for each of the plurality of application service interfaces, each translation circuit being configured to allow communication between a corresponding application service interface and a corresponding common service interface, wherein each of the transform circuits is usable

with the plurality of integration servers (see ¶¶ 0016-0031; see also, Figs. 3-8 and the associated text).

As to claims 69-78:

Refer to claims 59-68 above for rejections.

As to claims 79-89:

Refer to claims 59-68 above for rejections.

Response to Arguments

6. Applicants' arguments filed 09/07/2007 have been fully considered but are moot in view of the new ground(s) rejection.

Conclusion

7. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

Contact Information

8. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM 6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM THOMSON can be reached at (571) 272-3718.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



VAN H. NGUYEN
PRIMARY EXAMINER